





TUESDAY, MAY 7, 1889.

## Town &amp; County.

## Local Flasher.

The last of the session, the members were asked if they wanted it to be held over and the session adjourned. There were instances of instances of adjournments.

Delegates three at a time.

Legislative Council, S. W. — Rayburn

in Spring Station, N. C., 25 and 26 a.m.

In Atlantic City, Penn., the members,

department.

Weaves, also in Cards and in Black

Velvets, Gauches and other thin

fabrics, in which we lead in

the market.

we have special inventories

of extra fine goods exclusive to

first class.

& FINNEY,

HARRISBURG, PA.

Worth and Wear.

Style and Strength.

Choice & Cheapness.

of new and handsome

FURNISHINGS.

SOLID CAL SHOES \$2.50, regular

DO SHOE

ingaro-shoes at \$1.00 each

or 10¢ better.

The Carlisle shoes

solid on Good Shoe at \$2.50,

all things new and durable for

strong in style besides being un-

derly.

— Elliott,

and Carlisle street, Gettysburg, Pa.

TIER'S

odieries,

nings,

cos.

nos.

ets,

Felt,

wear.

ts,

toths,

and Fixtures,

Curtains and Poles,

velvets,

S. & Child's Goods,

in Flannels,

Double & Single Faced,

ds are sacrificed on our

ETIER,

ssor to J. L. Schick.

TOCK

ARE

on hand at

& Co's.,

YSBURG.

so much or how little

best to select from in

before making their

for all branches of

Gloves, Glass, Ice Cream

assortment of goods

Liquid Colors,

Colors of all kinds.

LOW PRICES.

ock Machine Co.

ERS & MACHINISTS

nufacturers of

Pulleys, Hangers, &c.

neral Agents for

E NEW HUBER

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

&lt;p

# Gettysburg Compiler

GETTYSBURG, PA.  
TUESDAY, MAY 7, 1867.

The Law About Buying and Selling  
Live Stock.

BY EDMUND P. KENDRICK.

There is a legal maxim often heard in the courts, which says, "Let the buyer beware." The meaning is, that when a man purchases a horse, cow or any other article of personal property, he must look out for himself. If a farmer buys a horse and makes no inquiries as to its soundness or quietness, and the seller makes no statements in regard to these qualities, and the animal turns out to be stone blind, or to be such an inveterate kicker that he is practically useless, the purchaser must stand the loss, and cannot call back on the seller for damages. The buyer should beware before purchasing. This rule of "let the buyer beware" applies to every sale of personal property, unless there has been either an express or implied warranty, unless there has been fraud, or unless false representations have been made by the seller as an inducement to the sale.

In order for a seller to bind himself by an express warranty, it is necessary for him to use the word warranty or any particular form of expression. Any affirmation made at the time of the sale is a warranty, provided it is so intended. If the vendor says, "This horse is sound," it is a warranty of soundness. When he states that the animal is from vice, it is a warranty of freedom from vice. In a case where the seller said, "I will not warrant, but the horse is sound so far as I know," the court held it to amount to a warranty that he did not know the animal was sound. It is well to infer that a horse is warranted sound if the seller says he is "all right." It is not necessary that a warranty should be in writing. A statement of fact constituting a warranty is to be distinguished from mere expression of opinion. When the vendor states an opinion or his judgment on a matter of which he has no special knowledge, and on which the buyer himself may also be expected to have an opinion, it is not a warranty, but if he assumes to assert a fact concerning the property under consideration of which the buyer is ignorant, such an assertion is a warranty. In order to make a warranty binding it must be made at the time of the sale, or pending the negotiations, so that it may be considered one of the incidents of the trade. It must before the negotiations have commenced in any way, or if after the bargain is completed and the animal sold, the seller says he would warrant the horse, it is no consideration for the statement. A promise of agreement without some consideration is not binding. Where an express warranty is made in writing as to any particular quality, or against any particular defect, the law supposes that the whole warranty is included in the writing, and evidence is excluded of any other. Thus, if a man gives a writing warranting a horse or cow to be sound, evidence cannot be introduced to show that he also warranted it to be kind, gentle and free from vice. It is held that a general warranty does not cover patent or obvious defects, nor defects which are apparent on simple inspection, requiring no skill to discover them, unless some artifice was used to conceal such defects, nor defects which are known to the purchaser at the time of sale. They are supposed to have been taken into consideration at the time the price was agreed on. Of course the seller may make such a warranty if he so desires.

There is a warranty implied warranty of quality. The exception to this is often held to be that if the goods sold are not generally held to be good in law; South Carolina and Louisiana are the only States in which it has been so decided. When an animal is sold by description or is ordered for a particular purpose, and a particular animal is not selected by the buyer, and no opportunity is given for inspection, there is an implied warranty that it shall correspond with the description and be fitted for the purpose for which it was ordered. For example, if a man orders a saddle horse for his child to ride, and the person to whom the order is given delivers a horse of ugly disposition, never broken to the saddle, the purchaser would have a good cause of action for breach of implied warranty, as the horse was sold with intent for a child to ride. The principal implied warranty is that of title. The law in regard to this, in a few words, is as follows: In sales of personal property by a person in possession, and under such circumstances that he appears to be the owner, there is an implied warranty that the property is his, and if the purchaser loses the property by the true owner taking it from him he can recover the price paid in a suit on the implied warranty of title. This is so whether he knew the defect in his title or not, and whether or not he stated that the property was his.

What constitutes an unsound horse, or other animal? Perhaps the definition is that given by an English judge, a good many years ago, and which has been often quoted in the courts: "At the time of the sale the horse may have any disease, either chronic or hereditary, which diminishes the natural usefulness of the animal so as to make him less capable of work of any description, or which, in its ordinary progress, will diminish the natural usefulness of the animal, or if the horse has either from disease or accident undergone any alteration of structure that either actually does, at the time, or in its ordinary effects will, diminish the natural usefulness of the horse, such horse is unsound." It is held by the English courts, and generally in this country, that a warranty of soundness is broken if the animal had any infirmity which rendered him fit for present service; that it is not necessary that the disease should be permanent or incurable. In Massachusetts, however, the Supreme Court has said that laurent, if only accidental and temporary, would not be a breach of warranty, and it is probable that the law of a state which has not adopted the statute of limitations for personal injuries, would be the same.

A GIRL always wants a fellow to tie a true lover's knot when she gets him on the string.

NUREMBURG in Russia gare one of the picturesque sights of fashionable New York.

FOR CHICKEN CHOLERA:

for the purpose of deceiving another. Every false statement, however, made by a person trying to sell a horse is not considered fraud in law. The law recognizes the fact that such a person is apt to indulge in talk magnifying the value of his goods and praising his wares, and will even let him lie a little as to how much the property cost him. The law considers such words and statements as "seller's talk," concerning which "let the buyer beware," and which are not sufficient foundation for an action for fraud. False statements, to be the grounds of averment, must be made for the purpose of defrauding the person by whom the article or animal is sold, and not wholly confined to a collateral matter. The purchaser must have been deceived by the fraud before he can take advantage of it. If he did not believe the false representations made to him he was not injured by them, and cannot make them the basis of any action. Only the defrauded party can rescind the sale on account of fraud. The guilty one is bound by it unless the other is willing to release him. No one can take advantage of his own wrong.

The difference between a simple warranty and a fraudulent misrepresentation is one of knowledge on the part of the person making it. A vendor in order to make a sale, says a horse is sound. If he honestly thinks so, although the animal proves to be unsound, the purchaser is bound by the bargain, but may bring an action for damages to break the warranty. If, however, the seller knew the statement was a fraud and the purchased may send back the animal and sue for the money paid, or may keep it and sue for damages in an action for deceit.

It is held that if the vendor refuses to take the animal back, the purchaser, after he has offered to return it, may sell it for the best price he can get, and collect the difference, together with the cost of keeping it. The ordinary damages for a breach of warranty is the difference between the actual value of the animal and what it would have been worth if it had been as warranted. The rules of law in regard to warranty and fraud apply to an exchange of property of the same as in cases of sales for money.

When a person sells an animal which he knows to be infected with a contagious disease and such disease is in consequence communicated to the hand of the purchaser, the seller is liable for all damages resulting from the disease.

When a horse was represented to be perfectly gentle and kind, the purchaser knowing such representations to be false, and the first time the purchaser hopped up the horse and kicked and overreared the buggy, throwing out the driver, it was held in a suit for damages that the purchaser could recover for the injuries to the buggy and to the person.

*American Agriculturist.*

CORN CULTURE.

How far would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you recommend the use of the harrow for the first cultivation, when the corn is a few inches above the surface?

How would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you recommend the use of the harrow for the first cultivation, when the corn is a few inches above the surface?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you recommend the use of the harrow for the first cultivation, when the corn is a few inches above the surface?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you recommend the use of the harrow for the first cultivation, when the corn is a few inches above the surface?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?

How often would you advise me to plant corn in the drill, and also how far apart would you put the rows on land in a good state of fertility?